

117TH CONGRESS  
2D SESSION

# H. R. 9353

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2022

Mr. LAMALFA (for himself and Mr. BENTZ) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Klamath Power and  
5 Facilities Agreement Support Act”.

6 **SEC. 2. KLAMATH PROJECT WATER AND POWER.**

7       (a) ADDRESSING WATER, POWER, AND FACILITIES  
8 MANAGEMENT FOR IRRIGATION.—Section 4 of the Klam-

1 Klamath Basin Water Supply Enhancement Act of 2000 (Pub-  
2 lic Law 106-498; 114 Stat. 2221; 132 Stat. 3886; 134  
3 Stat. 976) is amended—

4                 (1) in subsection (b), by striking paragraph (1)  
5 and inserting the following:

6                 “(1) IN GENERAL.—Subject to appropriations  
7 and required environmental reviews, the Secretary is  
8 authorized to carry out activities, including entering  
9 into a contract or making financial assistance avail-  
10 able through cooperative agreements or other meth-  
11 ods, to plan, implement, and administer programs,  
12 including conservation and efficiency measures, land  
13 idling, and use of groundwater, to align water sup-  
14 plies and demand for irrigation water users associ-  
15 ated with the Klamath Project, with a primary em-  
16 phasis on programs developed or endorsed by local  
17 entities composed of representatives of those water  
18 users.”;

19                 (2) in subsection (c), by adding at the end the  
20 following:

21                 “(2) IMPLEMENTATION.—

22                 “(A) IN GENERAL.—Beginning not later  
23 than 180 days after the date of enactment of  
24 the Klamath Power and Facilities Agreement  
25 Support Act, the Secretary shall, through 1 or

1 more cooperative agreements, financial assist-  
2 ance agreements, or other methods, implement,  
3 or support the implementation of, the rec-  
4 ommendations identified in the report described  
5 in paragraph (1) that the Secretary determines  
6 would lead to bringing the net delivered power  
7 cost for covered power use to an amount that  
8 is the same as, or less than, the power cost  
9 benchmark, subject to the availability of appro-  
10 priations, on the fastest timeline practicable,  
11 with respect to near- and long-term actions.

12 “(B) REQUIREMENT.—The implementation  
13 of recommendations under subparagraph (A)  
14 shall be carried out in accordance with—

15 “(i) the report submitted under para-  
16 graph (1); and  
17 “(ii) any reports submitted under  
18 paragraph (3).

19 “(3) ADDITIONAL REPORTS.—Not later than  
20 April 30, 2025, and every 5 years thereafter, the  
21 Secretary shall submit to each committee described  
22 in the matter preceding subparagraph (A) of para-  
23 graph (1) a report that describes—

24 “(A) any progress toward meeting the re-  
25 quirements of this subsection; and

1                 “(B) any modifications or updates to the  
2                 actions recommended under paragraph  
3                 (1)(B).”; and

4                 (3) by adding at the end the following:

5                 “(d) RESTORATION ACTIVITIES.—The Secretary  
6         may—

7                 “(1) plan, design, construct, operate, and main-  
8                 tain projects in the Klamath Basin watershed, in-  
9                 cluding—

10                 “(A) facilities to reduce fish entrainment;  
11                 “(B) projects that reduce or avoid impacts  
12                 on aquatic resources of facilities involved in the  
13                 storage or diversion of water for irrigation in  
14                 the Klamath Project service area; and

15                 “(C) projects that restore habitats in the  
16                 Klamath Basin watershed, including Tribal  
17                 fishery resources held in trust;

18                 “(2) undertake studies, including feasibility  
19                 studies, and improvements that the Secretary deter-  
20                 mines to be necessary to implement this subsection;

21                 “(3) in implementing this subsection, enter into  
22                 contracts, memoranda of understanding, financial  
23                 assistance agreements, cost-sharing agreements, or  
24                 other appropriate agreements with—

1                 “(A) State, Tribal, and local governmental  
2                 agencies; and

3                 “(B) private parties; and

4                 “(4) accept and expend non-Federal funds in  
5                 order to facilitate implementation of this subsection.

6                 “(e) GOALS.—The goals of activities under sub-  
7                 sections (b) and (d) shall include, as applicable—

8                 “(1) the short-term and long-term reduction  
9                 and resolution of conflicts relating to water in the  
10                 Klamath Basin watershed; and

11                 “(2) compatibility and utility for protecting nat-  
12                 ural resources throughout the Klamath Basin water-  
13                 shed, including the protection, preservation, and res-  
14                 toration of Klamath River Tribal fishery resources,  
15                 particularly through collaboratively developed agree-  
16                 ments.

17                 “(f) PUMPING PLANT D.—The Secretary may enter  
18                 into 1 or more agreements with the Tulelake Irrigation  
19                 District to reimburse the Tulelake Irrigation District for  
20                 not more than 69 percent of the cost incurred by the  
21                 Tulelake Irrigation District for the operation and mainte-  
22                 nance of Pumping Plant D, subject to the condition that  
23                 the cost results in benefits to the United States.

24                 “(g) KENO AND LINK RIVER DAMS.—The Secretary  
25                 shall comply with the terms of the agreement entitled

1 ‘2016 Klamath Power and Facilities Agreement’, includ-  
2 ing Attachment A to the agreement.

3       “(h) REPLACEMENT OF C CANAL FLUME.—

4           “(1) IN GENERAL.—The replacement of the C  
5     Canal flume within the Klamath Project shall be  
6     considered to be, and shall receive the treatment au-  
7     thorized for, qualified emergency extraordinary oper-  
8     ation and maintenance work in accordance with Fed-  
9     eral reclamation law (the Act of June 17, 1902 (32  
10   Stat. 388, chapter 1093), and Acts supplemental to  
11   and amendatory of that Act (43 U.S.C. 371 et  
12   seq.)).

13       “(2) CONTRACT.—

14           “(A) IN GENERAL.—Not later than 180  
15     days after the date of receipt of a request from  
16     the Klamath Irrigation District to enter into a  
17     contract with the Klamath Irrigation District to  
18     amend the contract numbered 16-WC-20–  
19     4838, the Secretary shall enter into a contract  
20     with the Klamath Irrigation District providing  
21     that—

22           “(i) 35 percent of the total repayment  
23     obligation under the contract entered into  
24     under this subparagraph is nonreimburs-  
25     able to the United States; and

1                         “(ii) 65 percent of the total repayment  
2                         obligation under the contract entered  
3                         into under this subparagraph shall be repaid to the United States over a period of  
4                         50 years.

5                         “(B) INCLUSION.—Although the Secretary  
6                         shall not condition the agreement to the contract entered into under subparagraph (A) on  
7                         any other term, the contract may include other  
8                         terms that are not less favorable to the contractor than contract numbered 16-WC-20-  
9                         4838.”.

10                         (b) ADMINISTRATION; EFFECT.—

11                         (1) COMPLIANCE.—In implementing the amendments made by this section, the Secretary of the Interior shall comply with—

12                         (A) the National Environmental Policy Act  
13                         of 1969 (42 U.S.C. 4321 et seq.);

14                         (B) the Endangered Species Act of 1973  
15                         (16 U.S.C. 1531 et seq.); and

16                         (C) all other applicable laws.

17                         (2) EFFECT.—None of the amendments made  
18                         by this section—

- 1                         (A) modify any authority or obligation of  
2                         the United States with respect to any Tribal  
3                         trust or treaty obligation of the United States;  
4                         (B)(i) create or determine any water right;  
5                         or  
6                         (ii) affect any water right or water right  
7                         claim in existence on the date of enactment of  
8                         this Act; or  
9                         (C) authorize the use of Federal funds for  
10                         the physical deconstruction of the Iron Gate,  
11                         Copco 1, Copco 2, or John C. Boyle Dam lo-  
12                         cated on the Klamath River in the States of  
13                         California and Oregon.

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